HON'BLE SRI JUSTICE B. PRAKASH RAO

AND

HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.17997 of 2005

15th June 2006

Between:

Govt. of A.P. rep. by Principal,

Secretary, Home Department,

Secretariat, Hyderabad and three others.

... Petitioners.

And

Sri B. Ravinder,

Ex-PC 702 of Nalgonda District,

H.No.74-18-7/1,

Opp: Nalanda Girls College, Krishna Nagar,

Vijayawada-7.

.. Respondent.

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HON'BLE SRI JUSTICE B. PRAKASH RAO

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AND

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HON'BLE SRI JUSTICE RAMESH RANGANATHAN

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WRIT PETITION No.17997 of 2006

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ORDER: (Per Hon'ble Sri Justice B. Prakash Rao)

Heard the learned Government Pleader for Services-I and

Sri A.V.Sesha Sai, the learned counsel appearing for the respondent and at their request, the Writ Petition itself is taken up for final disposal.

In this Writ Petition, the petitioners seek to assail the order dated 25.01.2005 passed by the A.P. Administrative Tribunal, Hyderabad in O.A.No.1896 of 2003 allowing the application filed by the respondent herein, *inter alia,* seeking to assail the impugned proceedings dated 23.02.2001 where under he was sought to be retired compulsorily from service and by treating the desertion period as not on duty.

The case of the petitioners is that having regard to the inconsistency in the pleas raised on behalf of the respondent vis-à-vis the medical certificates filed, there is absolutely no warrant to send back the case to the Disciplinary Authority for fresh consideration. Hence, the Writ Petition.

Having heard the counsel on either side and on perusal of the material available on

record, it is seen that the order of the Tribunal virtually is of a remand. Having regard to the reliance as sought to be placed on behalf of the respondent on certain medical certificates which according to him were not properly considered by the Tribunal or even the appellate Authority, we deem it more appropriate that in stead of sending the matter to the Disciplinary Authority, the matter can as well be taken up by the appellate Authority i.e., the third petitioner herein and dispose of the same afresh on merits in accordance with law especially after taking into consideration the grounds urged on behalf of the respondent vis-à-vis the medical certificates sought to be relied on. It is needless to mention that the appellate Authority shall consider all these aspects and pass a reasoned order after giving notice and opportunity to both the sides by following the due procedure as contemplated under Rule 37 of the CCA Rules. The said appeal shall be disposed of within a period of six (6) weeks from the date of receipt of a copy of this order.

The Writ Petition is accordingly disposed of. No costs.

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B. PRAKASH RAO, J

RAMESH RANGANATHAN, J

15th June 2006.

Chvn.

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